

Application No. 09/296,452  
Amendment "I" dated November 16, 2005  
Reply to Office Action mailed September 9, 2005

### REMARKS

Applicants respectfully request reconsideration and allowance of the above-identified patent application. Claims 58-75, 77-89, and 92-104 remain pending, of which claims 58 and 94 are independent method claims with corresponding independent computer program product claims 99 and 73 respectively. In addition, new independent method claims 105 and 106 have been added in this action.

The Office Action (hereinafter simply referred to as the "Office Action"), mailed September 9, 2005, considered and rejected claims 58-75, 77-89 and 92-104. Claims 58-69, 71-75, 77-83, 85-89 and 92-104 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Alexander* (U.S. Patent No. 6,177,931) in view of *Nishi* (U.S. Patent No. 6,681,395). Claims 70 and 84 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Alexander* in view of *Nishi* as applied to claims 65, 79 respectively, and further in view of *Knudson et al.* (U.S. Patent No. 6,526,577).<sup>1</sup>

In the previous action, the pending independent Claim 58 was amended to include the element of automatically (without user intervention) selecting one of the plurality of distinct user interface templates for use in customizing display of the video program and the chat communication based on at least one of (i) an episode of a television series included in the video program, (ii) a television series corresponding to the video program, (iii) a television network affiliate providing the video program, or (iv) a network providing the video program. Similar elements were added to Claims 73, 94, and 99. It was argued that the combination of *Alexander*, *Nishi*, and *Knudson* does not teach or suggest that the user interfaces are automatically selected without user intervention.

The Office Action, however, rejects this argument by stating that *Alexander* discloses automatically (without user intervention) selecting one of the plurality of distinct user interface templates for use in customizing display of the video program and the chat communication. To

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<sup>1</sup> Although the prior art status and some of the assertions made with regard to the cited art is not being challenged at this time, inasmuch as it is not necessary following the amendments and remarks made herein, which distinguish the claims from the art of record, Applicants reserve the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last office action, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, Applicants' decision not to respond to any particular assertions or rejections in this paper should not be construed as Applicant acquiescing to said assertions or rejections.

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support this contention, the Office Action cites column 14, line 48- column 15, line 31 of *Alexander*. The cited portion discloses that "[t]he EPG formats on-screen notifications to the viewer and displays the notification to the viewer. The on-screen notification can be used to alert the viewer to any number of possible items of information." Further, "[i]f the television is in television mode, the notification can be displayed in a number of ways including . . . 3.) The real time program video is automatically changed to a PIP format and the notification data is displayed outside of the PIP window; 4.) The real time program video is automatically changed to a PIP format and the notification data is displayed inside of the PIP window."

Applicants respectfully traverse this argument for at least the reason that *Alexander* does not disclose every element of Claim 58. *Alexander* does not disclose, for example, automatically and without user intervention, selecting one of the plurality of distinct user interface templates **for use in customizing display of the video program and the chat communication** (emphasis added). The cited section of *Alexander*, as cited above, teaches that the receipt of an on screen notification may cause a change in how the EPG is viewed on the screen. For example, *Alexander* states that the on screen notification may be used to notify a viewer that the EPG will begin to record a program at a given time or that the user should change the channel (column 14, lines 53-67). The notification and possibly any presently viewed video programming will subsequently be displayed in the EPG in a number of possible different ways.

However, the on screen notification is not chat communication. Chat communication, by its very nature, must be a two-way communication or no chat can occur. In other words, chat communication is both received and sent. The on-screen notification, in contrast, is only a one-way communication that alerts a viewer of some information. Even using a very broad interpretation of the on-screen notification, it cannot reasonably be maintained, based on how the on screen notification is disclosed in *Alexander*, that the on screen notification is chat communication. *Alexander* simply does not teach or suggest that the on screen notification is two-way communication as is required for chat communication. Thus, even if *Alexander* teaches the use of templates for notification (which the Applicants do not concede, but is presented here for purposes of argument only), *Alexander* would teach the use of a template for customizing display of an on screen notification and video program. Accordingly, *Alexander* does not teach or suggest automatically selecting one of the plurality of distinct user interface templates for use in customizing display of the video program and the chat communication.

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In addition, *Alexander* discloses that the user interfaces are selected with user intervention. For example, *Alexander* discloses that user requests how the Grid guide will occupy the screen (column 7, lines 18-30). This user selection then defines how all video and text will subsequently be displayed by the EPG on the screen. Accordingly, *Alexander* implies that the initial user request determines how the notification will subsequently be displayed by the EPG on the screen. Thus *Alexander* does not teach or suggest selecting one of the plurality of distinct user interface templates for use in customizing display of the video program and the chat communication without user intervention.

The Office Action also cites column 18, lines 57-67 for additional support that *Alexander* discloses automatically and without user intervention selecting a user interface template. This portion of *Alexander* discloses that a user (i.e., the viewer), while watching a news broadcast, selects a service icon which connects the EPG to a website. A search engine is available for the user to use in further exploration of the internet. Applicants respectfully point out that this cited example clearly shows that the user intervenes as the user selects the service icon and navigates the internet.

In addition, if, for arguments sake and not conceding the point, the appearance of the service icon constitutes automatically selecting a user interface template in that the EPG display has changed, this still does not read on Claim 58. A service icon is not chat communication for at least the reasons previously discussed (e.g., a service icon is not two-way communication) and so the purported user interface template can not customize display of video program and chat communication.

Further, the service icon may be automatically displayed without even using a display template. It is well known to those skilled in the art that there are many ways to display a service icon on a screen without the use of templates. For example, the EPG may be hard coded to display the service icon any time a news broadcast is received. The hard coding would cause the display of the icon without having the EPG select one of a plurality of display templates as is required by Claim 58.

The Office Action further cites column 26, line 57-column 27, line 2 for additional support that *Alexander* discloses automatically and without user intervention selecting a user interface template. Applicants again respectfully disagree. If, for arguments sake and not conceding the point, the appearance of the panel advertisements constitutes automatically

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selecting a user interface template in that the EPG display has changed, this still does not read on Claim 58. As with the service icon, panel advertisements are not chat communication for at least the reasons previously discussed (e.g., panel advertisements are not two-way communication) and so the purported user interface template can not customize display of video program and chat communication.

For the forgoing reasons, *Alexander* does not disclose every element of Claim 58. Independent Claims 73, 94, and 99 have elements similar to those discussed above with regard to Claim 58. Accordingly, *Alexander* does not disclose every element of independent Claims 73, 94, and 99 for at least those reasons stated above with regard to Claim 58. In addition, since the pending dependent claims variously depend from independent Claims 58, 73, 94, and 99, *Alexander* does disclose every element of the dependent claims for at least those reasons stated above with regard to Claim 58.

#### New Claims

Applicants have added new independent Claim 105. Independent claim 105 includes similar elements to pending independent Claim 58, with the added element of creating a chat room that is associated with the received video program. This new element is supported, for example, in the specification at page 20, second paragraph where it is disclosed that a chat room may be created upon request of a chat client. This new element is not taught or suggested by the combination of *Alexander*, *Nishi*, and *Knudson*.

Applicants have also added new independent Claim 106. Independent claim 106 includes similar elements to pending independent Claim 58 with the added element of shutting down the chat room upon completion of the video program. This new element is supported, for example, in the specification at page 21, second paragraph where it is disclosed that the chat room may be unilaterally closed. This new element is not taught or suggested by the combination of *Alexander*, *Nishi*, and *Knudson*.

Based on at least the foregoing reasons, therefore, Applicants respectfully submit that the cited prior art fails to make obvious Applicants' invention, as claimed for example, in independent Claims 58, 73, 94, 99, 105, and 106. Applicants note for the record that the remarks above render the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertion with respect to the teachings of the cited art

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is unnecessary at the present time, but may be undertaken in the future if necessary or desirable, and Applicants reserve the right to do so.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorneys.

Dated this 16<sup>th</sup> of November, 2005.

Respectfully submitted,



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